

## **REMARKS**

### **I. INTRODUCTION**

Claims 1, 5, 9, 10, 14, 18 and 19 have been amended. Claims 2, 11 and 20 have been previously cancelled. Thus, claims 1, 3-10, and 12-19 remain pending in the present application. No new matter has been added. In view of the above amendments and following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

### **II. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN**

Claims 1, 3-7, 10, 12-16 and 19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2002/0174429 to Gutta et al. ("Gutta") in view of U.S. Patent No. 5,790,935 to Payton ("Payton"). (See 06/30/06 Office Action, p. 2, ll. 13-15).

Amended claim 1 recites, a "method for recommending one or more available items to a user, comprising the steps of generating a user recommendation score for at least one of said available items that reflects a history of selecting said one or more items by said user; *receiving a selection of at least one third party recommender from said user; obtaining from said at least one selected third party recommender at least one third party recommendation for said at least one of said available items that reflects a history of selecting said one or more items by said at least one selected third party recommender; generating a third party recommendation score for said at least one of said available items based on said third party recommendation; and calculating an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score.*" (Emphasis added).

Gutta relates solely to the *generation* of a recommendation score. Specifically, Gutta teaches obtaining recommendation scores (“S<sub>1</sub>”, “S<sub>2</sub>”, and “S<sub>3</sub>”) from at least three program recommenders, and computing a combined recommendation score (“C”) by applying a voting process. (See Gutta, ¶0016). The system presents the recommended score C to a user to enable the user to select a television program of interest. (See Id.). Gutta goes on to describe the process of providing recommendation scores S<sub>1</sub>, S<sub>2</sub>, and S<sub>3</sub>, such as through the use of feedback, implicit and explicit data. (See Id., ¶0035). Gutta simply provides the user with an aggregate recommendation score from recommenders without applying any consideration to a user’s personal interest. Gutta fails to teach or suggest that the user selects at least one third party recommenders.

Payton generally refers to the virtual delivery of on-demand digital information. Specifically, Payton teaches a collaborative filtering system that synthesizes the preferences of all of the subscribers and predicts the items the subscribers might like. (See Payton, col. 4, lines 7-14). The collaborative filtering system produces a list of recommended items based on a subscriber’s rating vector and the subscriber’s general likes and dislikes. (See Id., col. 5, lines 6-21). To request an item, the subscriber interface displays this list of recommended items to the subscriber, wherein the subscriber can select one of the items or request a menu of available items. (See Id., col. 6, lines 26-31). However, similar to Gutta, Payton fails to teach or suggest receiving a selection of at least one third party recommender from the user.

In contrast to Gutta and Payton, the present invention describes a method and system wherein a third party recommender is a “selected” third party recommender. (See Specification, p. 8, line 30 – p. 9, line 2; and p. 9, lines 11-14). The selected third party recommender may be a friend or colleague of the user, or a “trendsetter.” (See Id., p. 2, lines 27-

31). In addition, a primary recommender for the user may exchange recommendations with the selected third party recommender. (See Id., p. 4, lines 20-24). Therefore, according to the present invention, the user may select a party to be the third party recommender(s), whether the recommender is a friend, a colleague, a trendsetter, etc. The primary recommender for the user corroborates with the other selected recommender(s) when recommending an item to the user and adjusts a conventional score based on one or more selected third party recommendations. (See Id., p. 5, lines 7-10). Thus, the present invention allows the disclosed system and method to receive a selection of a third party recommender from the user. In other words, the user of the system and method may actively choose which party will act at the recommending third party (or third parties). Neither Gutta nor Payton teach or suggest, either alone or in combination, *“receiving a selection of at least one third party recommender from the user,”* as recited in claim 1.

It is respectfully submitted that disclosures of Gutta and Payton fail to teach or suggest, either alone or in combination, a method having each of the claim limitations recited in amended claim 1. Applicants respectfully submit that for at least the reasons stated above, claim 1 of the present application is not obvious over Gutta in view of Payton, and request that the rejection of this claim be withdrawn. As claims 3-9 depend from, and therefore include all the limitations of claim 1, it is hereby submitted that these claims are also allowable.

The Examiner analyzed and rejected claims 10 and 19 as corresponding to claim 1. (See 06/30/06 Office Action, p. 3, ll. 21-22). Amended claim 10 recites, a “system for recommending one or more available items to a user, comprising: a memory for storing computer readable code; and a processor operatively coupled to said memory, said processor configured to: generate a user recommendation score for at least one of said available items that

reflects a history of selecting said one or more items by said user; *receive a selection of at least one third party recommender from said user; obtain from said at least one selected third party recommender at least one third party recommendation for said at least one of said available items that reflects a history of selecting said one or more items by said at least one selected third party recommender*; generate a third party recommendation score for said at least one of said available items based on said third party recommendation; and calculate an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score.” (Emphasis added). Therefore, Applicant respectfully submits that claim 10 is allowable for at least the reasons discussed above with regard to claim 1. As claims 12-18 depend from, and therefore include all the limitations of claim 10, it is hereby submitted that these claims are also allowable.

Amended claim 19 recites, an “article of manufacture for recommending one or more available items to a user, comprising: a computer readable medium having computer readable code means embodied thereon, said computer readable program code means comprising: a step to generate a user recommendation score for at least one of said available items that reflects a history of selecting said one or more items by said user; *a step to receive a selection of at least one third party recommender from said user; a step to obtain from said at least one selected third party recommender at least one third party recommendation for said at least one of said available items that reflects a history of selecting said one or more items by said at least one selected third party recommender*; a step to generate a third party recommendation score for said at least one of said available items based on said third party recommendation; and a step to calculate an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score.” (Emphasis

added). Therefore, Applicant respectfully submits that claim 19 is allowable for at least the reasons discussed above with regard to claim 1.

Claims 8 and 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Gutta in view of Payton in further view of U.S. Patent No. 5,754,939 to Herz et al. ("Herz"). (See 06/30/06 Office Action, p. 5, lines 5-7).

As discussed above, neither Gutta nor Payton, alone or in combination, teach or suggest all the limitations of independent claims 1 and 10. It is respectfully submitted that Herz is insufficient to cure the above-stated deficiencies of Gutta and Payton. Because claim 8 depends from, and, therefore includes all the limitations of claim 1, it is respectfully submitted that claim 8 is allowable for the reasons stated above with reference to claim 1. Because claim 17 depends from, and, therefore includes all the limitations of claim 10, it is respectfully submitted that claim 17 are allowable for the reasons stated above with reference to claim 10.

Claims 9 and 18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Gutta in view of Payton in further view of U.S. Patent No. 6,637,029 to Maissel et al. ("Maissel"). (See 06/30/06 Office Action, p. 6, lines 1-3). The Examiner correctly acknowledges that the combination of Gutta and Payton fails to disclose that the third party is a selected individual. (See Id., p. 6, lines 7-8). However, the Examiner erroneously relies on Maissel for teaching this aspect.

Maissel generally refers to an apparatus for improved electronic program guide for use in a television system. Specifically, the apparatus may allow the viewer to edit information in a viewer preference profile. (See Maissel, col. 12, lines 46-59). The viewer is

allowed to provide information on programs the viewer prefers to view or does not prefer to view. (See Id.). One of the options disclosed is to allow the viewer to instruct the apparatus to include (or not include) programs recommended by one or more critics in the program guide. (See Id., col. 13, lines 5-7). In other words, the viewer, according to Maissel, may chose to accept all programs recommended by one or more critics, or, alternatively, reject all programs recommended by one or more critics. Thus, the viewer is presented with an “all or none” option for the one or more critics of the program guide. This teaches away from the present invention which generates an item-by-item user recommendation score for available items and obtains a third party recommendation for the same available item. The selection between all or none of the programs from a critic, as described by Maissel, is not equivalent to, nor analogous to, “receiving a selection of at least one third party recommender from said user,” as recited in claim 1, wherein the third party recommender provides a recommendation on the same item as the user. Allowing a user to select of third party recommender to adjust the user’s recommendation score for an available item is decidedly different from allow a viewer to select all or none of the recommendations of one or more critics.

It is respectfully submitted that disclosures of Gutta, Payton, and Maissel fail to teach or suggest, either alone or in combination, a method having each of the claim limitations recited in amended independent claims 1 and 10. Because claim 9 depends from, and, therefore includes all the limitations of claim 1, it is respectfully submitted that claim 9 is allowable for the reasons stated above with reference to claim 1. Because claim 18 depends from, and, therefore includes all the limitations of claim 10, it is respectfully submitted that claim 18 is allowable for the reasons stated above with reference to claim 10.

**CONCLUSION**

In light of the foregoing, Applicant respectfully submits that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

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